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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,035	01/22/2004	Mark Logan	N0023/293139	6985
23370	7590	06/30/2006	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,035

Applicant(s)

LOGAN ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 7,9,10,16,19 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-6,14,15 and 21 is/are rejected.
- 7) ☐ Claim(s) 8,11-13,17,20 and 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 14, 15, 18, 20, 21, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnstone, U. S. Patent 5,272,605. Johnstone teaches a mounting device for an exit sign comprising a canopy element 18 that covers the junction box 36 upon connection of the mounting device to the junction box 36 and a connector 20 that connects to the electrical fixture/exit sign 10 through canopy 18 and is disposed between the canopy element 18 and the junction box 36. Johnstone also teaches a universal mounting plate 20 integrally formed with the connector that connects to the junction box 36.
3. With respect to claim 2, Johnstone teaches the electrical fixture is an exit sign 10.

4. With respect to claim 3, Johnstone teaches the universal mounting plate 20 includes a plurality of apertures (not labeled, see figure 5) patterned to correspond to apertures in the junction box 36.

5. With respect to claims 4-6, Johnstone also teaches a fastener 43 that extends through at least one of the plurality of apertures in the universal mounting plate 20 and a corresponding aperture in the junction box. See figure 6.

6. With respect to claim 14, Johnstone teaches the junction box mounted flush with the wall 38. See figure 2.

7. With respect to claim 15, Johnstone teaches the junction box mounted within the wall 38. See figure 6.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shine, U. S. Patent 3,931,689. Shine teaches a mounting device for an exit sign comprising a canopy element 23 that covers the junction box (not shown) upon connection of the mounting device to the junction box and a connector 50 that connects to the electrical fixture/exit sign 52 through nipple connection 52 and is disposed between the canopy element 23 and the junction box. Johnstone also teaches a universal

mounting plate 50 integrally formed with the connector that connects to the junction box. See column 5, lines 7-25.

9. With respect to claim 2, Shine teaches the electrical fixture is an exit sign 20.

Allowable Subject Matter

10. Claims 8, 11-13, 17, 20, and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 18 and 19 are allowed.

Response to Arguments

12. Applicant's arguments filed April 10, 2006 have been fully considered but they are not persuasive. The applicant argues the universal mounting plate 20 of Johnstone does not connect to the electrical fixture which is the exit sign 10 with exit sign housing 12. Rather, universal mounting plate 20 connects to canopy bracket 18, and canopy bracket 18 connects to the electrical fixture.

13. Since the applicant does not positively recite the mounting plate mounted directly to the electrical fixture, the examiner contends the claims

a still anticipated by Johnstone. Johnstone teaches the mounting plate mounted to both the junction box and the electrical fixture through the canopy.

14. In view of the applicant's amendment and arguments the rejection of claims 17 and 25 are withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
June 27, 2006